

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION

March 10, 2000

Illinois Commerce Commission
On Its Own Motion

-VS-

Max Pay Phones, Inc.

00-0088

Citation for failure to file Annual Report. :

Michael Axelrood
Max Pay Phones, Inc.
PO Box 5411
Evanston, IL 60204-5411

Dear Sir/Madam:

Attached is a copy of the Hearing Examiner's Proposed Order in the above matter. It is being sent to you pursuant to Section 200.820 of the Commission's Rules of Practice (83 Ill. Adm. Code 200.820).

Under Section 200.830 of the Rules, exceptions to the Proposed Order and replies thereto may be **filed** by the parties within the time periods established by the rule or such other times as fixed by the Hearing Examiner. The times for filing exceptions and replies are fixed at seven days and seven days, respectively.

The parties are reminded that pursuant to 83 Ill. Adm. Code 200.830 (b), substitute language is required to be included with exceptions when exception is taken as to a statement or finding of fact in the proposed order. Briefs on exceptions not including such language shall be stricken.

Sincerely,

A handwritten signature in cursive script that reads "Donna M. Caton".

Donna M. Caton
Chief Clerk

SC
Hearing Examiner: Mr. Wallace

STATE OF ILLINOIS

ILLINOIS, COMMERCE COMMISSION

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Citation for failure to file Annual Report :

HEARING EXAMINER'S PROPOSED ORDER

By the Commission:

On **January** 26, 2000, the Illinois Commerce Commission ("Commission") entered an Order in this docket citing Max Pay Phones, Inc. ("Respondent") for failure to maintain its corporate status with the Illinois Secretary of State. This Order was served on Respondent on January 26, 2000. The Order directed Respondent to appear at a hearing in Springfield, Illinois on February 29, 2000 to present evidence and to show cause, if any there be, why the Commission should not rescind or suspend Respondents certificate of service authority ("certificate") and take other appropriate action.

The Commission's January 26, 2000 Order states that the a Staff Report dated January 12, 2000 and issued by the Chief Clerk of the Commission, recounts that Respondent has failed to file its 1998 Annual Report by March 31, 1999, as required by Section 5-109 of the Public Utilities Act ("Act") and 83 Ill. Adm. Code. Section IO-I 13 of the Act authorizes the Commission to look into the Respondent's conduct to determine whether the Respondent should continue to hold the previously granted certificate of service authority.

This matter came on for hearing before a duly authorized Hearing Examiner at the designated time and place. Counsel for the Commission Staff entered an appearance. No appearance was entered on behalf of Respondent. Counsel for Staff recommended that the certificate previously granted to Respondent be revoked since Respondent had failed to file its 1998 Annual Report. At the end of the hearing, the record was marked "Heard and Taken." A Hearing Examiner's Proposed Order was served on Respondent and Staff. No Briefs on Exceptions were received.

The Commission, having reviewed the entire record and being fully advised in the premises, is of the opinion and finds that the certificate granted to Respondent should be cancelled and revoked.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the certificate of service authority granted to Max Pay Phones, Inc. hereby cancelled and revoked.'

IT IS-FURTHER ORDERED that resolution of this citation proceeding does not relieve Respondent from the requirements of the Public Utilities Act to file annual reports or to pay any penalty for **failure** to do so.

IT IS FURTHER ORDERED that subject to the provisions of Section IO-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

DATED: March 10, 2000

Hearing Examiner